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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,485	03/30/2004	George Hardin	GH-PAT. APP	5533
7590 Michael B. Jolly 1018 Preston, 4th Floor Houston, TX 77002		06/21/2007	EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I in the reply filed on 05/04/2007 is acknowledged.

Claims 10-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Objections

Claims 1-9 are objected to because of the following informalities: the claims are replete with typographical errors including punctuation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Reinke (4010590).

Regarding claim 1: Reinke discloses a shingle comprising:

a panel(10) having a first side edge and a second side edge and a front edge and a back edge, said panel being formed of a metallic material (Col. 2, lines 34-35), said panel having a fist hole (figure 5, element 44 on the left) formed adjacent said first side edge and a second hole (figure 5, element 44 on the right) formed adjacent said

second side edge, said panel having a plurality of holes (figure 5, element 30) formed adjacent said back edge.

Regarding claim 5: said plurality of holes comprising three holes spaced evenly from each other and positioned on said panel between said first and second side edges (figure 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke (4010590) in view of Heroneme (2040111996) .

Regarding claim 2: Reinke discloses the panel above, but does not expressly disclose that the panel has a plurality of slots formed adjacent said front edge. Heroneme discloses a panel having a plurality of slots (101) extending transversely to said front edge and extending partially toward said back edge. Furthermore it is noted that panels having partial slots is a common and well known feature in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Reinke to have partial slots as disclosed by Heroneme to provide and aesthetically pleasing appearance to the panel in an installed environment.

Claims 3-4 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke (4010590) in view of Orie (4445305).

Regarding claim 3: Reinke discloses the panel above including a top and bottom surface, but does not disclose, each of said holes being surrounded by an indentation in said top surface extending outwardly as a protrusion on said bottom surface. Orie discloses holes at a first and second side of the panel with an indentation and corresponding protrusion surrounding the hole (figures 1 and 2), but Orie discloses that the indentation extends outwardly as a protrusion on the top surface, however it such a features is mere design choice as the panel will function equally well with the protrusion extending outwardly from the bottom or top surface. Furthermore it would have been obvious to one of ordinary skill in the art to modify the panel of Reinke to have the indentation as disclosed by Orie to better connect adjacent panels.

Regarding claim 4: the protrusion being nestable with the indentation of another panel positioned below said panel (figures 1 and 2).

Regarding claim 6: each of said plurality of holes being surrounded by another indentation in said top surface which extends outwardly as a protrusion on said bottom surface (figure 4, where each of the plurality of holes in a peak of a protrusion that extends downwardly).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke (4010590) in view of Jewett (2197803).

Regarding claims 7-9: Reinke discloses the panel above; Jewett discloses a metal panel having a elastomeric epoxy coating (Jewett – 14) affixed to a surface and

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granules (13) affixed to an opposite surface with a primer layer (11) interposed between the two and second primer layer (Col. 2, lines 17, the cement or similar) interposed between said elastomeric coating and said panel. It would have been obvious to one of ordinary skill in the art to modify the metal panel as disclosed by Reinke to have the surface treatment as disclosed by Jewett to create a more aesthetically pleasing, weatherproof and fireproof panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J.CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3635

JL
06/8/2007